



United States
Department of
Agriculture

Forest
Service

Alaska Region
Tongass National Forest

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File Code: 1570

Date: November 6, 2014

Larry Edwards
Greenpeace
P.O. Box 6484
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**Certified Mail – Return Receipt
Requested:**
(place CRR no. here)

Dear Mr. Edwards:

This letter is my response to your objection to the draft Decision Notice of the Mitkof Environmental Assessment project you filed on behalf of Greenpeace, Greater Southeast Alaska Conservation Community, Cascadia Wildlands, Center for Biological Diversity and Alaska Wildlife Alliance. The legal notice of the objection period for the Mitkof Project was published on August 7, 2014. On September 22, I received your objection on behalf of the organizations listed above for the Mitkof Island Project. I have read your objection and reviewed the project record, the draft DN/FONSI, and the final Environmental Assessment (EA). My review of your objection was conducted in accordance with the regulation at 36 CFR 218.

Project Overview

The Mitkof Island Environmental Assessment (EA) was prepared in response to goals and objectives in the 2008 Tongass Land and Resource Management Plan (Forest Plan) for Timber (p. 2-7) and Local and Regional Economies (p. 2-5) and reflects the need to provide a sustained yield of timber volume responsive to local and regional needs. The project also seeks to provide some young-growth timber to help facilitate transition to a young- growth based wood products industry. The project is designed to help provide a dependable and timely supply of timber in support of small operators while also having the ability to provide a larger offering of volume across fluctuating market conditions, in support of local employment and the local and regional wood products industry.

The draft Decision Notice (DN) would authorize Alternative 2, which would allow for the harvest of approximately 28.5 million board feet (MMBF) of timber on about 4,117 acres of National Forest System (NFS) land delineated into individual units utilizing a variety of silvicultural prescriptions and logging systems. Full implementation includes an estimated 1.3 miles of new NFS road construction, 4.7 miles of temporary road construction and approximately 4.5 miles of road reconditioning. The decision would provide for small timber sales (green saw timber, fuelwood offerings and young-growth commercial thinning), provide a one-time predominantly helicopter-based offering with a limited number of ground-based (cable) harvest units requiring road construction, and support a programmatic microsale program on Mitkof Island.



Resolution Meeting

On September 29, 2014 my staff contacted you, as the lead objector for the organizations listed on your objection, in an effort to convene a meeting to discuss your concerns about the Mitkof Project. You stated that unless I had specific questions, you didn't see need for a meeting as your letter spoke for itself and clearly stated your suggested relief. Not having any specific questions, a meeting was not scheduled.

Response to Issues

I have read your objection and suggested remedies, and reviewed the EA, draft DN and Finding of No Significant Impact (FONSI), content in the project file as well as considered the comments submitted during the opportunities for public comment for this project. Based on my review, I am providing responses to your objection issues, which include instructions to the District Ranger under ISSUE A and B.

As specified at 36 CFR 218. 11(b), I must provide a written response that sets forth reasons for the response; however, this written response need not be point-by-point. My responses are as follows:

- *ISSUE A – Impacts to Deer, Wolves and Subsistence Deer Hunting* – The objector alleges:
 - The Forest Service failed to consider social justice implications of subsistence impacts and that the analysis of impacts to hunter demand applies a flawed methodology and that Habitat Capability \neq Deer Population.
 - The Forest Service lacks necessary wolf population data and violated NEPA by failing to take a hard look at risks to deer, wolves and hunters with respect to partial harvest prescriptions and pre-commercial thinning.
 - The DN/FONSI would be arbitrary because its (and the EA's) conclusions about the effects of deer habitat loss are not rational, being based on incomplete facts and facts that contradict those conclusions.
 - The EA violates NEPA and NFMA by failing to evaluate the cumulative effects of the project on deer and wolf populations and subsistence hunting in a WAA already below the S&G.

Objection Response – *With regard to the analysis of effects to subsistence and hunting, the methods developed in cooperation with our interagency partners were used as reflected in the 2011 Tongass Direction for Project-level Deer, Wolf, and Subsistence Analysis. Modeled deer habitat capability along with other indicators were appropriately used to analyze the effects on subsistence with regard to changes in deer abundance and hunter competition (includes demand) and access. Based on the subsistence analysis, the DN (p. 21) provides the required Environmental Justice finding per Executive Order 12898 and states that no disproportional adverse effects are expected to occur to low-income (“poor”) subsistence users. However, no explanation was found in the record that describes why. Therefore, I am instructing the District Ranger to provide and explanation of why effects to low-income users would not be disproportional.*

The analysis of the potential effects of the project on wolves and the amount of data provided is sufficient to support the FONSI. The Wildlife Resource Report (pg. 81) provides current ADF&G hunter harvest data for wolves in the project area, and discloses that “pack size and home range estimates for wolves that occur in WAA 2007 are not available.

Regarding your concerns about relying on partial harvest to mitigate impacts to deer wolves and deer hunting, the IDT developed these prescriptions as you point out and is explained in the EA, Response to Comments and DN/FONSI in direct response concerns about the further loss of winter deer habitat. This was done by specifically dropping the vast majority of units considered important deer winter habitat and using partial harvest with retention rates of 66 to 98 percent of the pre-harvest basal area in 63 additional units. As a result of this, the reduction of important deep snow winter habitat is limited to 26 acres as a portion 10 clearcut units distributed across the project area and 44 acres within 95 and 98 percent basal area retention units (EA, p. 39, Table 5). The Forest has experience with implementing these types of prescriptions. The resulting openings from implementation of 66% retention partial harvest prescriptions is predominantly from the removal of individual and/or small groups of trees with the majority of openings being less than 1/4 of an acre in size. Larger openings up to the maximum size of 2 acres are the exception rather than the rule and are generally widely scattered. Experience with implementing these types of prescriptions has also shown that the larger openings also tend be long, narrow “snake-like” openings rather than circular. I find that the deer model was appropriately used to analyze effects to deer habitat from partial harvest and considered the relevant factors.

However, your observation that the prescriptions for the selected harvest units, including detailed sale layout and marking instructions, have not yet been completed is correct. Therefore, I am instructing the District Ranger to complete the detailed prescriptions for the units selected in the draft Decision Notice before signing his final decision.

Additionally, I support District Ranger Anderson’s decision and find that the effects analysis for deer, wolves and subsistence hunting is adequate; however, I find that the conclusions drawn from the direct, indirect and cumulative effects to deer, wolves and subsistence deer hunting are not clearly distinguished in relation to the FONSI. Therefore, I am instructing the District Ranger to clarify and further explain his conclusions and rationale to provide a clear connection from the analysis to the finding in the FONSI before signing the final decision.

- *ISSUE B – Impacts to Management Indicator and Sensitive Species including the Queen Charlotte Goshawk, Marten and Black Bear – The objector alleges:*

- The FONSI is arbitrary because the EA violates NEPA by failing to take a hard look at impacts to the QCG and disclose uncertainties and unique and unknown risks to goshawks (40 C.F.R. § 1508.7(b)(5)).
- The FONSI is arbitrary because it limited the context of the project to Mitkof Island and relied on cumulative effects analysis in the EA that failed to consider impacts to southeast Alaska QCG populations (40 C.F.R. § 1508.27(a), (b)(7)).
- The EA violates NFMA by failing to meet TLMP mandates for sensitive species and by failing to consider adequate mitigation and alternative nest management measures. The FONSI is arbitrary because the EA violated NEPA by failing to take a hard look at impacts to marten and disclose uncertainties and unique and unknown risks to martens (40 C.F.R. § 1508.7(b)(5)).
 - a) Unknown risks of localized extirpation due to low population levels and low habitat carrying capacity
 - b) Additive risks and uncertainties associated with project area road density
 - c) Failure to evaluate the cumulative effects of the project on marten populations (40 C.F.R. 1508.27(b)(7))
- The Forest Service failed to disclose information in the EA.
- **Objection Response** –*The Biological evaluation (BE) sufficiently analyzes the effects to the Queen Charlotte Goshawk and the relevant factors were considered and a rational connection was made between the facts found and the choices provided to support the FONSI. The direct, indirect, and cumulative effects to goshawks were analyzed in accordance with the Forest Plan, and goshawk surveys were conducted in the project area using appropriate USFS protocol. All active nests were given greater than the required 100-acre buffers, and an additional 5 units were dropped from consideration in response to comments you provided (also a suggested remedy to this objection issue) requesting larger buffers and reduced logging in VCU’s containing or adjacent to known or historical nests.*

In regard to effects to marten, response to comments (#68) adequately responds to part of this issue including the rationale for the use of the marten deep snow habitat model as opposed to the interagency marten habitat capability model. The Wildlife Resource Report (WRR) discusses the effects of increased road density by alternative and the risks to marten associated with those increases (pgs. 41-48). The WRR also displays both the open and total road density for project area at all elevations for NFS lands only (direct effects) (Table 8, pg. 35) and for all lands (cumulative effects) (Table 10, pg. 38). No road density standard has been set to assess marten vulnerability. Rather, the amount of average and deep snow habitat in the project area was considered in predicting the effects of the project on marten. You also state there are “unknown risks of localized extirpation due to low population levels” based on a PowerPoint presentation (PR #130) by area ADF&G biologist presented to the Alaska Board of Game (BOG) in 2013 in “others areas of GMU 3”. However, you fail to disclose that the 2013 proposal to reduce the trapping season on the south end of the Lindenberg peninsula (on Kupreanof Island) was not adopted by the BOG. Currently there is unlimited trapping of marten on Mitkof and Kupreanof Islands during the trapping season (WRR, pg. 42).

Overall the direct and indirect effects to marten were sufficiently analyzed; however, it is not clear that two NFS (Woodpecker and Overlook) and two University of Alaska Timber sales were included in the cumulative effects analysis as described on page 46 of the WRR. Additionally, the distinctions between the direct, indirect and cumulative effects to marten in relation to the FONSI could be clearer. Therefore, I am instructing the District Ranger to ensure the cumulative effects analysis is complete and his conclusions and rationale based on cumulative effects provide a clear connection to the FONSI before signing his final decision.

Regarding the claim that the Forest Service failed to disclose information in the EA; Forest Service Handbook guidance in 1909.15 Chapter 40 and Council on Environmental Quality (CEQ) Regulations at 40 CFR 1508.9(a) state an EA should be a concise public document that briefly provides sufficient evidence for determining whether to prepare an EIS or FONSI. The information included should also be commensurate with the issues raised during scoping, which focused primarily on the need for a reliable supply of timber volume from Mitkof Island and concerns about impacts to deer habitat and subsistence use in the project area. I find that the information included in the EA focuses on the important issues and adequately discloses information relevant to the project and its effects.

- *ISSUE C – Impacts to the Aquatic Environment – objectors allege:*
 - The Forest Service failed to take a hard look at impacts to the aquatic environment, and the FONSI is not reasonably supported.
 - The Forest Service failed to consider road-stream connectivity and impacts of road density.
 - The Forest Service failed to evaluate and adequately consider impacts related to Class IV streams.
 - The Forest Service failed to adequately consider peak flow impacts.
 - The Forest Service failed to adequately consider water quality and aquatic habitat impacts and erroneously concludes they will be insignificant.
 - The Forest Service erroneously relies on mitigation to reach the FONSI.
- ***Objection Response*** - *The EA and project record provide sufficient analysis of impacts to the aquatic environment. The Aquatic Resource Report clearly explains analytical methods using quantifiable measures. These are supported by the cited literature representing the state of the science for evaluating the effects of timber harvest and roads on aquatic resources (including effects on water quality and streamflow). The EA and its Response to Comments address all of the objector's concerns about water quality, streamflow, and aquatic habitat. Additional information (such as landing*

disturbance and proximity of roads to streams) was included and considered in the EA in direct response to public comment.

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- *The Forest Service strategy for control of nonpoint source pollution related to roads and timber harvest is to apply appropriate BMPs, monitor the implementation and effectiveness of BMPs, and use the results to inform and improve future projects. The Tongass National Forest has a proven track record of successfully implementing mitigation that protects water quality and aquatic habitat:*

- ✓ *The EA and project record (including unit cards) provide ample evidence of site-specific application of relevant BMPs for this project.*
- ✓ *The project record also cites the annual Tongass Monitoring and Evaluation Reports for evidence and results of systematic field evaluation of timber harvest and road BMPs.*
- ✓ *The project record also includes citations (particularly Tucker and Thompson 2010) that evaluate the Alaska Water Quality Standards relevant to timber harvest activities in the Tongass National Forest.*

- **ISSUE D – Failure to produce an EIS:** The objector alleges the FS failed to properly construe the significance of the project and is required to prepare and EIS.

Objection Response – *I have included instructions related to cumulative effects as outlined under my responses to ISSUES A and B above. I will direct the District Ranger to address my concerns and instructions for the Decision Notice and FONSI to provide a clear and rational connection between the facts found and choices made and ensure the EA provides sufficient evidence and analysis to support the FONSI per 36 CFR 220.7(3) and 40 CFR 1508.13.*

Conclusion

I commend the Petersburg District Ranger and his interdisciplinary team for the extra effort they put into the Mitkof Island EA and Draft Decision Notice and FONSI. Their effort to involve the public and other agencies early in the planning for this project is evident in the design of the alternatives and responsiveness to issues related to deer habitat, subsistence use, and timber economics.

I have reviewed your assertions that the project violates various environmental laws, regulations, policies, and the Forest Plan. My review finds the project is in compliance with these laws, regulations, policies and the Forest Plan; however, the distinction between the direct, indirect and cumulative effects to deer, wolves, subsistence deer hunting and marten relative to the FONSI are not clear to me. Therefore, I will provide instructions via a separate letter to the District Ranger that he may not sign final Decision Notice until all my concerns and instructions as

described under my responses to objections issues A and B of this letter are sufficiently addressed (36 CFR 218.12(b). Once the Decision is signed, the project may be implemented.

My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or USDA official of my written response to your objection is available (36 CFR 218.11(b)(2)).

Sincerely,

/s/ Forrest Cole
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Forest Supervisor

cc: Jason C Anderson
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